

December 2004

Section 9
Environmental Protection Act
R.S.O. 1990

FREQUENTLY ASKED QUESTIONS
FOR
APPLICATIONS FOR APPROVAL (AIR & NOISE)

PIBS 4925e

Protecting our environment.



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FOREWORD

The Ministry of the Environment's approvals program requires that all undertakings requiring approval under ministry legislation are carried out in accordance with the Acts and applicable Regulations and Guidelines administered by the ministry. These requirements are updated from time to time by the ministry as environmental standards and environmental management approaches are modified. For additional information relating to Certificates of Approval, please refer to the publication titled "Guide to Applying for Approval (Air & Noise)."

While every effort has been made to ensure the accuracy of the information contained in this document, it should not be construed as legal advice.

For more information about Certificates of Approval or to obtain an application package, please visit the Ministry of the Environment Internet site at <http://www.ene.gov.on.ca> or contact:

Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Ave W, Floor 12A
Toronto, ON M4V 1L5

Toll Free: 1-800-461-6290
Phone: 416-314-8001
Fax: 416-314-8452
Email: EAAABGen@ene.gov.on.ca

Frequently Asked Questions

Q:	What is a Certificate of Approval?
A:	A Certificate of Approval is a document, which: <ul style="list-style-type: none">• identifies the person(s) responsible;• identifies the location of the equipment and process;• describes the equipment and process;• may place requirements on the design, use, operation and maintenance of the equipment and process;• states that the equipment and process are approved under section 9 of the <i>Environmental Protection Act</i> (EPA);• is signed by a Director under section 9 of the EPA; and• references the supporting documentation that quantifies emissions and operations.
Q:	When is a Certificate of Approval required?
A:	<p>The statutory requirements for the approval of any equipment or process which may discharge to the air are contained in Section 9 of the <i>Environmental Protection Act</i>.</p> <p>Generally, an approval must be obtained for construction, alteration, extension or replacement of any plant, structure, equipment etc. that may discharge a contaminant into the natural environment, or alteration of a process or rate of discharge under Section 9 of the <i>Environmental Protection Act</i>.</p> <p>There are a few exemptions, but these relate to specific types of processes or equipment. In order to determine if the equipment is exempt, please refer to Ontario Reg. 505/99, a regulation to amend Ontario Reg. 524/98 made under the <i>Environmental Protection Act</i>.</p> <p>For more information, please refer to the document titled “Guide for Applying for Approval (Air & Noise)”.</p>
Q:	Under what legislation is a Certificate of Approval (Air & Noise) required?
A:	A Certificate of Approval (Air & Noise) is issued under Section 9 of the <i>Environmental Protection Act</i> (EPA).
Q:	Who should apply for approval?
A:	<p>Generally, the person responsible applies for a Certificate of Approval. Examples of the person responsible include:</p> <ol style="list-style-type: none">a) the company which owns the equipment and/or the manufacturing process;b) the company which operates the equipment on behalf of the owner;c) any person who rents portable equipment, such as crushing equipment or asbestos removal equipment for the purpose of carrying out a project;d) any person who may have charge, management or control over how the equipment or process is maintained and operated, and what kind and amounts of contaminants are discharged from the equipment or process. <p>For more details, please refer to the document entitled “Guide for Applying for Approval (Air & Noise)”.</p>

Q:	Why is the Ministry requesting an Emission Summary and Dispersion Modelling (ESDM) report with a Certificate of Approval (Air & Noise) application?
A:	<p>The submission of the ESDM report is required to demonstrate compliance with Ontario Reg. 346 - General - Air Pollution, under the <i>Environmental Protection Act</i> (EPA). Section 5 of Ontario Reg. 346 requires that the aggregate emissions from a facility be in compliance with the air standards.</p> <p>In June 1998, the Ministry of the Environment released a document entitled “Procedure for Preparing an Emission Summary and Dispersion Modelling Report” (the Procedure Document).</p> <p>Since October 1998, the Ministry has required that a complete Emission Summary and Dispersion Modelling (ESDM) report be submitted in support of an application for approval under Section 9 of the EPA. The Procedure Document provides clear direction on the preparation of an ESDM report and was also developed to provide greater certainty to proponents applying for approval.</p>
Q:	What type of air application requires an Emission Summary and Dispersion Modelling (ESDM) report?
A:	<p>All applications for air approval require ESDM reports except for the following:</p> <ul style="list-style-type: none"> • non process combustion equipment, • paint spray booth, • diesel generator, • in situ soil bio-remediation equipment, and • noise only application. <p>Please note that if the above equipment is part of a larger operation, then all emission sources (including those above) must be incorporated into the ESDM report.</p>
Q:	Where do I find the Emission Summary and Dispersion Modelling (ESDM) checklist?
A:	<p>The ESDM checklist can be found in Appendix E of the procedure for preparing ESDM reports. The procedure for preparing ESDM reports can be obtained from the Ministry’s website under the Publication Section/Manuals and Guidance specifically at: http://www.ene.gov.on.ca/envision/gp/361401e.pdf.</p>
Q:	Does the ESDM report checklist have to be signed by the person who prepared it?
A:	<p>Yes. The ESDM report checklist must be completed and signed by the person who is responsible for preparing the report.</p>
Q:	Since I have completed the application checklist on page 4 of the application form (under Supporting Documentation), am I still required to submit a separate ESDM checklist?
A:	<p>Yes. You are still required to submit a completed and signed ESDM checklist in order to fulfill the requirements of the ESDM report as outlined in the Procedure Document.</p>

Q:	Why is an ESDM report not required for a noise-only application?
A:	As there are no air contaminant emissions from the facility (or if all the sources are currently approved) an ESDM report is not required.
Q:	Where would I find the Emission Dispersion Modeling software (Regulation 346 Air Model Package)?
A:	It is available online at: http://www.ene.gov.on.ca/envision/gp/index.htm#PartAir . Please refer to "Regulation 308/346 Air Model Programs Unpack and Installation Guide" and "Regulation 308/346 Air Model Programs".
Q:	Who do I contact if I have problems installing or working with the Emission Dispersion Modeling software?
A:	Please contact the Environmental Monitoring and Reporting Branch at (416) 235-6300.
Q:	Why is the Environmental Assessment and Approvals Branch (EAAB) screening air applications?
A:	The EAAB has implemented this screening process to require applicants to submit complete applications including a proper Emission Summary and Dispersion Modeling report. The objective of the screening process is twofold. First, to eliminate incomplete applications that delay the review process and secondly, to make the emitters accountable for providing the correct technical information.
Q:	What is the estimated time for screening of air applications?
A:	Generally, all applications including air are screened within 5 business days. Applications are processed in chronological order according to the date of receipt. Incomplete/deficient application submissions cause delays in the screening process.
Q:	Why is the EAAB cancelling and returning applications?
A:	Applications that are deficient in the required information will be returned. In the returned package, the applicant will receive a letter outlining the deficiencies that need to be addressed should the applicant wish to pursue their proposal in the future. The EAAB will concentrate its resources on applications that are complete and meet all the requirements of the Procedure Document.
Q:	My application has been cancelled and returned. I plan to resubmit a complete application. Will I be required to resubmit the fee and have the proposal reposted on the Environmental Bill of Rights (EBR) registry?
A:	Yes, the initial fee, minus the non-refundable administrative portion, will be refunded after the application is cancelled and returned. An applicant will have to provide a new fee payment with any subsequent applications. Resubmitted applications are subject to EBR requirements.

Q:	What is the Environmental Bill of Rights (EBR)?
A:	EBR is the Environmental Bill of Rights. It has been formulated on the principle that every citizen has the right to participate in decisions which affect the environment. It is intended to open the government's environmental decision-making process to public scrutiny to a far greater extent than in the past. Clients will be provided with a uniform and predictable process for obtaining environmental approvals. EBR provisions will allow the public access to information to facilitate their participation in environmental decision-making.
Q:	Will my application be subject to the requirements of the Environmental Bill of Rights (EBR)?
A:	The majority of air applications are required to be posted on the Environmental Bill of Rights registry. The exemptions are noted in the guide entitled "The Requirements of the Environmental Bill of Rights for Prescribed Instruments".
Q:	Are there any exceptions from the public participation requirements under the Environmental Bill of Rights (EBR)?
A:	<p>There are four types of exceptions from the public participation requirements of the EBR.</p> <p>They are as follows:</p> <ul style="list-style-type: none"> • Emergency situations • Equivalent public participation has already taken place • Proposals for instruments to implement an <i>Environmental Assessment Act</i> or Public Tribunal decision, and • Environmentally insignificant amendments or revocations
Q:	Is there a guide for preparing an appropriate EBR abstract?
A:	Yes. Appendix C of the Guide for Applicants "The Requirements of the Environmental Bill of Rights for Prescribed Instruments" contains guidelines to be used when preparing description or abstract of proposal to be posted on the Environmental Registry.
Q:	What information should be included in an EBR abstract?
A:	<p>The abstract should be less than 100 words, and should include a summary of what is being applied for, why it is being applied for, and an indication of what will be discharged to the atmosphere.</p> <p>Examples of EBR abstracts can be found in Appendix A (attached).</p>

Q:	What is the difference between a Comprehensive Certificate of Approval and a Consolidated Certificate of Approval?																		
A:	<p>A Comprehensive Certificate of Approval is a consolidated Certificate of Approval that includes all sources of contaminants at a facility that requires the company to demonstrate ongoing compliance with Ontario Reg. 346 (at the time of application and in the future) for all compounds emitted from the facility. In return for this ongoing compliance, limited operational flexibility conditions permit modifications such as process changes, de-bottlenecking or addition of new equipment subject to limits on operational flexibility that include a maximum production rate for the facility to be specified on the Comprehensive Certificate of Approval (Air). The limited operational flexibility conditions have a five-year expiry date.</p> <p>The applicant will be required to submit an application for amendment after the 5 year period to renew the conditions of limited operational flexibility. A Comprehensive Certificate of Approval (Air) will require the company to make available, at all times, at the facility, for inspection by interested members of the public, a table (Emission Summary Table) that documents the facility's compliance with Ontario Reg. 346.</p> <p>A Consolidated Certificate of Approval is a single Certificate of Approval that replaces existing Certificate(s) of Approval (Air) and may include the addition of new or historically unapproved sources for all emissions from the facility. There are no conditions that allow limited operational flexibility.</p> <p>Consolidated Certificates of Approval may include all sources of contaminants from the facility or may be limited to sources that have common contaminants with the sources subject to review.</p> <p>Facilities with Comprehensive Certificates of Approval are required to provide the Ministry of the Environment with a summary of changes made in the previous calendar year, usually by June 1 of each year.</p> <p>For further information regarding the Comprehensive Certificate of Approval (Air), please refer to “Basic Comprehensive Certificate of Approval (Air) – User Guide” available at the Ministry’s website at: http://www.ene.gov.on.ca/envision/gp/4391e.pdf.</p>																		
Q:	What is the appropriate fee for emission control equipment (e.g. scrubber, dust collector, baghouse)?																		
A:	<p>To calculate the fee for your application, please complete the form titled “Costs for EPA s.9 Applications, Supplement to Application for Approval”. Generally, the appropriate fee for new emission control equipment would be calculated as A+B+C from the following table:</p> <table border="1"> <thead> <tr> <th></th> <th>Description</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Administrative Processing Fee</td> <td>\$200</td> </tr> <tr> <td>B</td> <td>Control Equipment (e.g., scrubber, dust collector, baghouse): <i>Equipment used to control emissions of contaminants, other than a fume incinerator</i></td> <td>\$400 for each piece of equipment</td> </tr> <tr> <td>C</td> <td>Amount for Equipment being Controlled:</td> <td></td> </tr> <tr> <td></td> <td>If the flow rate is less than or equal to 1.5 m³/second</td> <td>\$400 for each piece of equipment</td> </tr> <tr> <td></td> <td>If the flow rate is greater than 1.5 m³/second</td> <td>\$1200 for each piece of equipment</td> </tr> </tbody> </table>		Description	Cost	A	Administrative Processing Fee	\$200	B	Control Equipment (e.g., scrubber, dust collector, baghouse): <i>Equipment used to control emissions of contaminants, other than a fume incinerator</i>	\$400 for each piece of equipment	C	Amount for Equipment being Controlled:			If the flow rate is less than or equal to 1.5 m ³ /second	\$400 for each piece of equipment		If the flow rate is greater than 1.5 m ³ /second	\$1200 for each piece of equipment
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Q:	I have contaminants with no standards, and they are not listed in the Point of Impingement (POI) Summary document and have not been previously approved for my facility. What do I do?
A:	You are required to include the contaminants on the Emission Summary Table. The Ministry will assess the products and limits at the time of the review. An additional fee of \$300 will be required (Item 1.3.3 from Table 3 of the publication titled “Costs for EPA s.9 Applications, Supplement to Application for Approval”).
Q:	If I am relocating my facility (with the equipment) to a different site, do I need to apply for a new Certificate of Approval or an amendment to my existing Certificate of Approval? Do I need to provide a new ESDM?
A:	A new Certificate of Approval is required, along with a new Emission Summary and Dispersion Modelling (ESDM) report.
Q:	In the case of approvals for large sites (e.g. university campuses and hospitals), are the approvals issued for each building or for the entire site?
A:	Approvals are issued for the entire site, and the ESDM has to be prepared for the entire site. In a case where a university is spread out over a large area (e.g. UofT St. George campus), the campus may be divided into “clusters” of locations. Approvals will be issued for each “cluster” of locations and the ESDM will need to cover that “cluster” of locations.
Q:	Is an approval required for relocation of process equipment or rerouting of ductwork within a plant?
A:	An approval is not required for the relocation of process equipment or rerouting of ductwork within a plant if the contaminant concentration, total air flow and stack are not altered (no change to contaminants, rate or manner of discharge, or location of discharge).
Q:	Ontario Reg. 524/98 (approval exemptions) under the <i>Environmental Protection Act</i> (EPA) has been amended to Ontario Reg. 273/03. This regulation states that emergency diesel generators for water treatment plants do not require approval under s.9 of the EPA; however they require approval under the <i>Safe Drinking Water Act</i> (SDWA). What type of application should be completed?
A:	Applicants are required to submit an application for a Certificate of Approval for Water for the approval of a generator servicing a municipal water treatment plant.
Q:	Do underground parking garages that have exhaust fans require approval?
A:	No. They are exempt from approval requirements. Please refer to Ontario Reg. 505/99, a regulation to amend Ontario Reg. 524/98 made under the <i>Environmental Protection Act</i> . An updated version of Ontario Reg. 524/98 can be obtained from the Ministry’s website under the Publication Section/Manuals and Guidance at: http://www.e-laws.gov.on.ca/dblaws/regs/english/980524_e.htm
Q:	Do I need to apply for approval for a paint mixing room when I apply for approval of a paint spray booth?
A:	Paint spray booths and associated works include a paint mixing room. The paint mixing room will be included in the Certificate of Approval. While a fee is required for the paint spray booth, no additional fee is required for the mixing room.

Q:	Do employees of autobody shops or auto repair garages require training prior to receiving an air approval?
A:	<p>Yes. Individuals should contact their autobody association for information on training requirements.</p> <p>Currently the Hamilton Autobody Repair Association (HARA) and the paint companies are responsible for the provision of training. This training requirement has been noted in Certificates of Approval since June 2001.</p>
Q:	Do I need a Certificate of Approval for a coffee roasting operation?
A:	<p>Yes. A wholesale company roasting coffee requires a Certificate of Approval. However, if they are operating a coffee shop (e.g. Starbucks, Coffee Time) where they roast and sell the coffee at that location, no Certificate of Approval is required.</p>
Q:	Do I need approval to treat contaminated soil?
A:	<p>Yes. You need a Certificate of Approval (Air) and may require a waste disposal site (processing) Certificate of Approval as well. In the case of in-situ (treatment of the soil on site) remediation we do not require an Emission Summary and Dispersion Modelling (ESDM) report, but ex-situ (treatment of soil that is excavated and transported off site) remediation requires an ESDM report.</p>
Q:	Does equipment fueled by Bunker C fuel require a Certificate of Approval (Air)?
A:	<p>Yes. Equipment that emits contaminants to the natural environment, such as those which are fueled by Bunker C fuel oil, including tankage, requires a Certificate of Approval (Air) in order to be constructed and/or operated in Ontario.</p>
Q:	Are dry cleaning operations exempt from applying for a Certificate of Approval (Air)?
A:	<p>Under certain circumstances dry cleaning operations may be exempt. In order to determine if they are exempt, please refer to Ontario Reg. 505/99, a regulation to amend Ontario Reg. 524/98 made under the <i>Environmental Protection Act</i>.</p> <p>An updated version of Ontario Reg. 524/98 can be obtained from the Ministry's website under the Publication Section/Manuals and Guidance at: http://www.e-laws.gov.on.ca/dblaws/regs/english/980524_e.htm</p>
Q:	Does an exemption for gas heaters extend to gas water tanks?
A:	<p>Yes, if the total thermal heat input for the facility is less than 1.58 Million KJ/h, then it is exempt and no Certificate of Approval is required. Please refer to the exemption regulation (Ontario Reg. 524/98).</p> <p>An updated version of Ontario Reg. 524/98 can be obtained from the Ministry's website under the Publication Section/Manuals and Guidance at: http://www.e-laws.gov.on.ca/dblaws/regs/english/980524_e.htm</p>

Q:	Are petroleum terminals exempt from obtaining a Certificate of Approval for gasoline vapours?
A:	No. An approval under section 9 of the <i>Environmental Protection Act</i> is required because contaminants are being discharged into the natural environment.

Q:	Is vapour from diesel and furnace oil storage tanks at petroleum terminals exempt from section 9 of the <i>Environmental Protection Act</i>?
A:	<p>It is not exempt. A Certificate of Approval is required. Exemptions under Ontario Reg. 455/94 are listed below:</p> <p>Section 9 of the Act does not apply to the discharge or potential discharge of gasoline vapour into the natural environment from terminals, bulk plants or service stations. Ontario Reg. 455/94, s. 2. (Note: Ontario Reg. 455/94, Recovery of Gasoline Vapour in Bulk Transfers, under the EPA is specific to those that have a vapour recovery unit).</p> <p>In addition, Section 9 of the Act does not apply to any equipment, apparatus, mechanism or thing that is used at a retail facility to dispense natural gas or propane to vehicles or for direct sale. Ontario Reg. 524/98 Certificate of Approval Exemptions - Air, s. 1.(1) 16.</p>

Q:	I have questions regarding Ontario Reg. 127/01 & NIC Codes - Airborne Monitoring & Reporting. Who should I contact to get further information or clarification?
A:	You can contact the Ministry of the Environment Help Desk - Joint Environment Canada (EC) at 416-739-4707 and they will assist you.

Q:	Who is responsible for the "Selected Targets for Air Compliance Program" (STAC Program)?
A:	The Ministry of the Environment, for which the West Central Regional Office is the lead, administers this program. However, all questions related to the STAC Program should be directed to the STAC Coordinator, Cornwall Area Office at (613) 933-7402.

Q:	What should I do to notify the Environmental Assessment and Approvals Branch (EAAB) when a change in ownership of a business or a piece of equipment (e.g. diesel generator) occurs?
A:	<p>For the transfer of ownership <i>from a private owner to a municipality</i>, you are required to submit the following:</p> <ul style="list-style-type: none"> • a copy of the existing Certificate of Approval, • a letter from the owner confirming the transfer of ownership to the municipality, and • a letter from the municipality accepting ownership of the equipment. <p>No fee is required for this request.</p> <p>For the transfer of ownership <i>from a municipality to a private owner</i>, you are required to submit the following:</p> <ul style="list-style-type: none"> • a copy of the existing Certificate of Approval, • proof of legal name of the private owner, • a letter from the private owner stating that they are the new owner, and • a letter from the municipality confirming sale/transfer of ownership. <p>No fee is required for this request.</p> <p>For the transfer of ownership <i>from one private owner to another private owner</i>, you are required to submit the following:</p> <ul style="list-style-type: none"> • a copy of the existing Certificate of Approval, • proof of legal name of the new owner, • a letter from the client stating that they are the new owner, and • a letter from the previous owner confirming sale/transfer of ownership. <p>No fee is required for this request.</p> <p>Please note:</p> <p>If there are any modifications to the equipment/process or if the equipment is relocated, a new Certificate of Approval application or an application to amend a Certificate of Approval is required.</p>

APPENDIX A

Examples of complete EBR abstracts:

These examples have been prepared in accordance with the Guide “The Requirements of Environmental Bill of Rights for Prescribed Instruments”

1. Application for a textile processing facility:

The company unrolls, dyes, dries and packages raw fabric material. This application for a Certificate of Approval (Air) is submitted to permit operation of textile dyeing and finishing equipment that discharge products of combustion and process related particulate matter into the atmosphere from the following equipment: Two (2) natural gas fired stand-by steam package boilers, three (3) natural gas fired drying ovens, one (1) natural gas fired drying oven with starch and resin, three (3) natural gas fired tumble dryers, one (1) rotary filter, two (2) natural gas fired plant air furnaces, six (6) natural gas fired air make-up units, and two (2) natural gas fired infrared heaters. The facility is located adjacent to industrially used lands.

2. Application for a paint spray booth:

This application is for approval of one (1) automotive paint spray booth, equipped with dry type filters for overspray control, for the application of solvent based refinishing coatings to repaired and auto body components and complete vehicles at an auto body shop. The spray booth discharges solvent vapours to the atmosphere through one (1) roof mounted exhaust stack. Adjacent land use is industrial and commercial.

3. Application for a Comprehensive Certificate of Approval (Air):

This proposal is for a Comprehensive Certificate of Approval (Air) which is a single Certificate of Approval that replaces the existing Certificate(s) of Approval (Air) and includes the addition of new or historically unapproved sources for all emissions from the Smith Brothers producing aluminum wheel rims. The application includes all sources at the facility including comfort heating equipment, general roof exhausts, melting furnaces, bag filters, casting ovens, machining equipment, curing ovens, heat treating ovens, quench tanks, spray washing equipment, dryers, coating mixing and application equipment, off-gas thermal incinerator, waste water treatment, wet scrubber, pipe cutter, chemical lab fume hood, cooling towers, diesel generator and silica shot blasting.

The Comprehensive Certificate of Approval (Air) requires that the company demonstrates compliance with Ontario Regulation 346 and other performance requirements and documentation conditions on an ongoing basis and permits modifications such as process changes, de-bottlenecking or addition of new equipment subject to limits on operational flexibility that include a production limit for the facility to be specified on the Comprehensive Certificate of Approval (Air). The limited operational flexibility conditions have a five year expiry date. The company will be required to make application for amendment at that time to renew these conditions. Of specific public interest, one performance documentation condition that will be included on the Comprehensive Certificate of Approval(Air) will require the company to make available, at all times, at the facility for inspection by interested members of the Public a table (Emission Summary Table) that documents the facility's compliance with Ontario Regulation 346.

Examples of incomplete EBR abstracts:

The abstracts provided below are incomplete because they do not include all of the following:

- *a summary of what is applied for: including a listing of all of the major equipment/processes/modifications;*
- *the reason why the equipment/process/modification is applied for; and*
- *an indication of what contaminants will be discharged to the atmosphere.*

1. The company currently operates a latex and alkyd paint manufacturing facility in Anywhere, Ontario. Over the next five years total paint production is expected to increase from 10 million gallons/year to 18 millions gallons/year.
2. The company is seeking approval for the operation of a paint spray booth on the property. The shop is equipped with a cross-draft paint spray booth using approximately 8 liters of paint per week. The company operates an automotive refinishing facility on-site.
3. Application is for installation of a Drying Oven for a Paint Spray Booth.
4. This is an application for an air Certificate of Approval to add ventilation to one of the packaging machines.

Please note:

EBR abstracts that are inaccurate or incomplete will result in delays in the processing of submissions. If EBR abstracts are found to be unsuitable they will not be posted on the Environmental Bill of Rights registry. Therefore, applicants should ensure that a complete EBR abstract is provided with the application package.